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Shelley Russell

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From "Camouflage" to "Scabs": An Analysis of Unparliamentary Language in the Legislative Assembly of Alberta, 1906-1989

Among the rules of Beauchesne is one that some might regard as indeterminate. Section 491 advises that "language used in the House should be temperate and worthy of the place in which it is spoken. No language is, by virtue of any list, acceptable or unacceptable. A word which is parliamentary in one context may cause disorder in another context, and therefore be unparliamentary." In other words, Speakers' rulings on what constitutes acceptable and unacceptable language are relatively idiosyncratic; the potential of words to cause disorder seems the sole consideration.

Nevertheless, Beauchesne does delineate certain criteria upon which such rulings may be based:

> much depends upon the tone and manner, and intention, of the person speaking; sometimes upon the person to whom the words are addressed, as, whether that person is a public officer, or a private Member not in office, or whether the words are meant to be applied to public conduct or to private character; and sometimes upon the degree of provocation, which the Member speaking had received from the person alluded to. (486[1])

Ideally, Speakers would apply all of those criteria to every instance of questionable language. Unfortunately, the necessity to rule as quickly as possible on such language precludes realization of that ideal. Rarely have Speakers, at least in the Legislative Assembly of Alberta, based individual rulings explicitly on more than a few of the criteria outlined by Beauchesne. Occasionally, too, those rulings have been based on criteria

that Beauchesne implicitly proscribes.

Subjectivity and selectivity are not, however, the only factors that complicate attempts to analyze Speakers' rulings; the temporal dimension must also be considered. Some criteria, for example, cannot be ascertained except at the time the words are uttered. As Beauchesne 486(1) stresses, "all [the aforementioned] considerations must be attended to at the moment." That printed and televised transcripts of the Assembly's proceedings are not available prior to 1972 only complicates attempts to analyze Speakers' rulings. Even were such transcripts available prior to that year, the televised transcripts, by their exclusion of all but Question Period, make considerations of tone and manner necessarily moot insofar as unparliamentary language is not confined to Question Period. And that print and television cannot convey intention unequivocally is axiomatic.

What remains for analysis, then, are the Speakers' rulings themselves. In other words, Speakers' expressed perceptions of such considerations as tone, manner, and intention must be posited as a priori. Thus, it is those perceptions and the rulings' consistency or lack thereof that are most susceptible to analysis and evaluation.

Since the genesis of the Alberta Legislature, nine Members have been elected to the Office of the Speaker. And between the opening of the First Session of the First Legislature on March 15, 1906, and the close of the First Session of the Twenty-Second Legislature on August 18, 1989, 182 instances of questionable language were recorded by the Assembly's Clerks. Of that total, 153 expressions were deemed unparliamentary while 29 expressions were deemed not unparliamentary. In some of those instances, Speakers' rulings were explicit while in others, Members were cautioned or withdrew their remarks before rulings could be issued.

Surprisingly, the Assembly's records reveal that only four Speakers--The Honourable Nathan Tanner (1936-1937), The Honourable Peter Dawson (1937-1963), The Honourable Gerard Amerongen (1972-1986), and The Honourable David Carter (1986-)--have dealt with instances of questionable language. Whether that anomaly is due to an absence of questionable language during the tenures of the remaining five Speakers, to those Speakers' permissiveness, or to gaps in the Assembly's records is unclear. Common sense, however, would suggest the latter possibilities: the democratic tradition, especially during the province's frontier era, would have made unparliamentary expressions inevitable.

Of course, the circumstances surrounding the use of questionable expressions prior to 1972 must forever remain fodder for speculation. Nevertheless, three such expressions have been recorded: "camouflage" (March 16, 1936), "deception" (March 16, 1936), and "political heelers" (February 17, 1939). That "camouflage" and "deception" sprang from the same mouth is probable. All three expressions were ruled unparliamentary.

Regardless of the ruling, however, questionable expressions have been uttered by and directed toward Members of all ranks and parties. No one, it seems, is immune from censure. One of the most striking illustrations of that axiom occurred on March 28, 1984, when Ken Kowalski, Progressive Conservative MLA for Barrhead, labelled Rollie Cook, Progressive Conservative MLA for Edmonton Glengarry, a "skunk." The good-natured altercation can be traced to Kowalski's defence of the provincial budget, when he remarked that, "while I've been reducing in size and am now probably about 215 pounds, [I] will commit every ounce of that energy to ensure that we do not commit ourselves to a sales tax" (204). A few moments later, Cook interrupted Kowalski's speech to ask whether, as a point of information,

Kowalski's mention of a size 40 (which Kowalski did not mention) was a reference to the Barrhead MLA's waist measurement. Replied Kowalski rather obliquely, "what really kills the skunk is the publicity it gives itself" (204). Although Speaker Gerard Amerongen acknowledged the expression's humorous intent, he also noted that "the tone of [Kowalski's] voice will not come through in Hansard" and asked that Kowalski reconsider the expression for the sake of that transcript. The MLA for Barrhead subsequently withdrew the remark in order to "preserve the decorum of the House" (204).

While the exchange of an unparliamentary expression between two Members of the same party is surprising, even more surprising is the exchange of an unparliamentary expression between a Member and the Speaker. Two such transgressions have, in fact, been recorded; both involved Speaker David Carter. The first occurred on June 10, 1987, when, after being instructed by Carter not to question Premier Don Getty about the latter's alleged ties to Husky Oil, Nick Taylor, Leader of the Liberal Opposition, said to Carter, "I think you're completely out of order" (1790). Although Taylor queried Carter's ruling on a point of order at the end of Question Period, it was not until the following day that the more serious point of order was raised by Deputy Premier Dave Russell. After Russell had cited six sections of Beauchesne and Erskine May dealing with the respect that should be accorded the Speaker, Taylor apologized both to Carter and to the Assembly for calling Carter out of order.

Taylor also figured prominently in the second transgression, which occurred on April 21, 1988, during a series of questions on the Maintenance Enforcement Program. After he had asked to be recognized for a supplementary question on the matter, Taylor deferred to John Gogo, Progressive Conservative MLA for Letbridge West, when Carter recognized the

Liberal Leader. Taylor, who apparently had not believed that he would lose his question through his generosity, became alarmed when he did lose that question and tried repeatedly to recover it. After Carter had twice called him to order, Taylor remarked, "Jesus you're [inaudible]" and "[w]hat's the matter with the guy [Carter] today?" (579). Carter heard only the second remark and asked Taylor to withdraw it. Taylor declined the invitation, and Question Period continued, with Carter believing that Taylor had, in fact, withdrawn the remark. At the end of Question Period, Taylor raised a point of order in regard to his not being allowed a supplementary question. After listening to Taylor's question and proffering an explanation, Carter noted Taylor's first remark--"Jesus you're [inaudible]"--in the Blues, recalled "chicken" as the inaudible word, and asked Taylor to withdraw the remark. Although Taylor complied with that request, Carter failed to notice in the Blues that Taylor had not withdrawn his second remark.

Unparliamentary expressions are not always directed toward those present in the House. On at least one occasion, public servants came under attack. On the afternoon of April 16, 1973, Albert Ludwig, Social Credit MLA for Calgary Mountain View, initiated in Committee of Supply what is undoubtedly the longest debate on unparliamentary language in the Assembly's history. In the course of his remarks on the budget estimates for the Emergency Measures Organization (EMO), Ludwig said,

> this outfit has never been tested in a real disaster. This organization was started when there was some threat of a military attack. I never could imagine what they would do. They would probably be well organized to head for the hills in front of everybody else if there was a real attack. So that is my opinion of it. There is no power of discipline. They are not under the military. . . . I humbly believe that is exactly what would have happened. The jeeps would have been in the lead. (43-2239)

Almost immediately, Deputy Premier Hugh Horner launched into an impassioned defence of the EMO; he concluded the defence by demanding that Ludwig "retract that slur because it reflects on those people" (43-2240). Ludwig refused the demand, and the two Members continued to wrangle without decisive intervention by Chairman Bill Diachuk. Finally, the debate reverted to the estimates.

When the Committee reconvened that evening, Horner announced his intention to bring Ludwig's remarks to the attention of Speaker Gerard Amerongen at the earliest opportunity. After considerable debate, the Committee of Supply approved a motion requesting Amerongen's leave to report both its progress and Ludwig's remarks. Unfortunately, the remarks that Diachuk subsequently reported to Amerongen were incomplete, and the Assembly had to resolve itself once again into Committee of Supply in order to establish a full report of the remarks.

In due course, that report was presented to Amerongen. Debate ensued, with Ludwig arguing on the basis of Beauchesne 150 that his remarks were parliamentary insofar as they were not directed toward Members and David King, MLA for Edmonton Highlands, arguing on the basis of Beauchesne 152 that the remarks were unparliamentary insofar as they were directed toward "personages of high official station." Amerongen concurred with King's assessment, noting that "there are canons of construction which would say that in some appropriate circumstances the particular [Section 152] overides [sic] the general [Section 150]" (44-2306). Although Amerongen suggested that Ludwig withdraw his remarks, he did not explicitly rule those remarks unparliamentary. Thus did the Assembly adjourn at 11:52 p.m. with the matter still unresolved. On the following day, Ludwig voluntarily withdrew his remarks and extended an apology to the members of the EMO.

Curiously, while derogatory remarks about groups of public servants have been deemed unparliamentary, derogatory remarks about groups of Members have been deemed not unparliamentary. Such was the case on May 2, 1973, when Neil Crawford, Minister of Health and Social Development, speculated gratuitously during Committee of Supply that "if there is something hon. gentlemen could use over there [in the opposition seats] perhaps it is a psychiatrist" (51-2763). The remark stemmed from a description, provided by Gordon Taylor, MLA for Drumheller, of a judicial investigation into the psychological competency of a citizen who was housed, allegedly against his will, in a mental institution. Following Crawford's remark, Albert Ludwig, MLA for Calgary Mountain View, rose on a point of order to declare that Crawford's characterization of the opposition was unparliamentary. At that juncture, David King, MLA for Edmonton Highlands, began to attack the validity of Ludwig's point of order: "[t]he fact that [Ludwig] frequently rises on what he says is a point of order does not make it a point of order, anymore than calling the tail of a dog a leg makes a dog a five-legged animal" (51-2764). Ludwig responded to King's analogy by asking Chairman Bill Diachuk to rule on the point of order. Diachuk ruled against it on the basis that Crawford's words were "not directed to anybody in particular on the opposite side" (51-2765). Ludwig then moved that Diachuk leave the Chair so that the ruling could be appealed to Speaker Gerard Amerongen. Because the Blues containing Crawford's remarks had not yet been prepared, the Assembly had to wait until the following day for Amerongen to uphold Diachuk's ruling. In this case, Crawford's failure to specify a member of the opposition who required a psychiatrist made his remark not unparliamentary.

Although expressions' generality is not one of the issues addressed in

Beauchesne, that guide does address the issue of hypothetical expressions. Section 487(2) acknowledges Bourinot in advising that "[w]ords may not be used hypothetically or conditionally, if they are plainly intended to convey a direct imputation. Putting a hypothetical case is not the way to evade what would be in itself disorderly." On at least one occasion in the Alberta Legislature, the Speaker did not employ that section in ruling on what must be construed as a hypothetical remark. On November 15, 1972, during Third Reading of the Alberta Bill of Rights, Health and Social Development Minister Neil Crawford suggested hypothetically that Albert Ludwig, MLA for Calgary Mountain View, was guilty of hypocrisy. As Crawford put it,

> I wouldn't want to be the one to suggest that any hon. Member could have been guilty of something that, in my opinion, would be hypocritical. But if I were to make that suggestion or to come to that conclusion about any hon. Member, I think it would by [sic] the hon. Member for Calgary Mountain View who has made the speech he has made and is about to vote for this bill, which he will do, I am sure, very shortly. (75-51)

Ludwig's subsequent point of order was not upheld by Speaker Gerard Amerongen on two bases: that Crawford's remark was hypothetical and that it had "certain overtones which might be objectionable, but perhaps . . . [are not] directly objectionable" (75-51). Curiously, Beauchesne 487(2) was not invoked.

As well as addressing hypothetical expressions, Beauchesne addresses threatening expressions. On this issue, the guide is unequivocal. Section 487(1) states that "[t]hreatening language is unparliamentary." The May 26, 1988, Hansard contains the closest facsimile of a threatening expression ever employed in the Alberta Legislature. In the midst of Third Reading of the Interprovincial Lottery Amendment Act, "shut up, you wimp" (1302)

escaped from the mouth of Stan Nelson, Progressive Conservative MLA for Calgary McCall, after the Official Opposition had raised two consecutive points of order. Nelson subsequently acceded to Speaker David Carter's request that the remark be withdrawn.

On few other issues does Beauchesne proffer more conflicting advice--both explicit and implicit--than on the employment of lists as bases for rulings on questionable expressions. While Section 486(2) states that "[a]n expression which is deemed to be unparliamentary today does not necessarily have to be deemed unparliamentary next week" and Section 486(3) advises that "[t]here are few words that have been judged to be unparliamentary consistently, and any list of unparliamentary words is only a compilation of words that at some time have been found to cause disorder in the House," Sections 488 through 492 contain lists of parliamentary and unparliamentary expressions. That, as The Honourable Gerard Amerongen would say, the particular (Sections 486[2] and 486[3]) overrides the general (Sectins 488 through 492) has not been taken into account in a disappointing number of instances. Both Members and at least one Speaker have employed those lists as bases for determining the propriety of questionable expressions.

On June 29, 1989, Stockwell Day, Progressive Conservative MLA for Red Deer North, included in his speech on the estimates for Executive Council criticism of remarks previously made on those estimates by Pam Barrett, New Democrat MLA for Edmonton Highlands:

> the Member for Edmonton Highlands needs to face the fact--and I've checked the following terms that I'm going to use, Mr. Chairman, to assure you that they are parliamentary language, though it may seem that they are not--that either intentionally or otherwise, her statements tonight, and many evenings, are largely based on falsehood. They are misleading; they are full of

misrepresentation. (669)

Day's research was not inaccurate but selective. According to Beauchesne 490, the terms "falsehoods," "misleading," and "misrepresentations" have been ruled parliamentary in the Canadian House of Commons. According to Beauchesne 489, however, the terms "falsehood" and "mislead" have been ruled unparliamentary in that same House. And had Day researched Alberta Hansard, he would have discovered that the term "falsehood" had been ruled unparliamentary on March 11, 1987, and that the term "misleading statement" had been ruled unparliamentary on September 9, 1986. Only Day's use of the term "misrepresentation," in other words, could be justified fully on the basis of lists. Unfortunately, Chairman Stan Schumacher neglected to raise the point that such lists constitute improper bases for determining expressions' propriety. Nevertheless, that point was subsequently stressed aptly by Derek Fox, MLA for Vegreville, when he stated that "the hon. Member for Red Deer-North seems to like to do his research for speeches in the Assembly by wading through the phrases deemed barely parliamentary in Beauchesne. That's not the kind of research a Member should do if he wants to make a legitimate contribution here" (669).

Progressive Conservative Members have not been the only Members who have relied on such lists. Indeed, on June 23, 1988, at the end of Question Period, Ray Martin, Leader of the Official Opposition, apologized for his use of the word "fraud" the previous day, withdrew that word, and substituted the word "fraudulent," which, according to Beauchesne 490, was ruled parliamentary in the House of Commons on November 9, 1964. The matter passed without comment from Speaker David Carter.

In fact, Carter himself, on at least one occasion, used a non-existent

list as a basis for ruling a remark unparliamentary. On August 15, 1989, in the midst of his defence of a motion for return, Derek Fox, MLA for Vegreville, said that "not only did [Peter Pocklington] lock the workers out but he [also] brought in scabs" (1453). Carter immediately informed Fox that the "word 'scab' has been ruled unparliamentary in this Legislature" (1453) and asked Fox to withdraw the word. When Fox questioned that information, Carter repeated his assertion and subsequently declared two New Democrat MLAs, who had come to Fox's defence, out of order. According to the records kept by the Assembly's Clerk, however, neither the word "scab" nor its derivatives had been used previously. In other words, Carter might have ruled Fox's remark unparliamentary not on the basis of non-existent precedent but on the basis of Beauchesne 493(4), which states that Members should "exercise great care in making statements about persons who are outside the House and unable to reply."

That "[a]n expression which is deemed to be unparliamentary today does not necessarily have to be deemed unparliamentary next week" (Beauchesne 486[2]) has been verified on numerous occasions in the Assembly although in the one instance that will be recounted, the interval between the expressions exceeded a week. On September 9, 1986, at the end of Question Period, New Democrat Leader Ray Martin asked Speaker David Carter to review a "misleading statement." Martin alleged that Peter Elzinga, Minister of Agriculture, had, in answering a question on a grain handlers' strike, referred incorrectly to te National Farmers' Union as an affiliate of the New Democratic Party. Although Elzinga withdrew his remark, Government House Leader Neil Crawford subsequently called into question the phrase "misleading statement" on the basis of Beauchesne 484(3), which prohibits Members from "imput[ing] to any Member or Members unworthy motives for their

actions in a particular case." Martin immediately withdrew the phrase "[i]n the same spirit of generosity that I heard from the Minister of Agriculture" (1543).

That phrase erupted again during Question Period on May 26, 1987, when Provincial Treasurer Dick Johnston alluded to the "misleading statements" of Alex McEachern, New Democrat MLA for Edmonton Kingsway. Those allegedly misleading statements suggested that the $277 million received by the provincial government from the Canada Deposit Insurance Corporation had been used to reimburse the Alberta Treasury Branches for their "bad loans" to North West Trust. At the conclusion of Question Period, McEachern rose on a point of order to request that Johnston retract the term "misleading statements." Johnston declared that the term was not unparliamentary; Speaker David Carter then indicated that, based on Johnston's declaration, the Provincial Treasurer would not have to retract the term. Thus, while "misleading statement(s)" was deemed both unparliamentary and not unparliamentary, on only one occasion did Carter rule. On the basis of that one precedent, then, the term must be considered not unparliamentary although precedents, as has been demonstrated, constitute weak bases for subsequent rulings.

It would be improper in a discussion such as this to laud or censure Speakers for their rulings on questionable expressions. The parliamentary tradition insists that those rulings be accepted and upheld. The Office of the Speaker is perhaps the most significant position that a Member can be accorded and certainly the most difficult. Ruling on the propriety of questionable expressions is only one of the many tasks that a Speaker must perform, and he performs all tasks to the best of his ability. Should some of his rulings seem fallible or inconsistent, one must remember that

fallibility and inconsistency are human weaknesses and that legislatures themselves are human constructs.

Appendix

An Interview with The Honourable Gerard Amerongen
Speaker of the Legislative Assembly of Alberta, 1972-1986

July 4, 1990

RUSSELL. Why do you feel that it is important for Members to use parliamentary language?

AMERONGEN. As far as parliamentary language is concerned, the underlying principle, I think, never changes although people's perceptions, Speakers' perceptions too, differ as to what is parliamentary or what should be allowed and what shouldn't. But the underlying principle, which is an absolute sine qua non for any decent parliament, is respect, the respect which the Members must have for each other. It goes perhaps beyond the respect that we owe each other as human beings of infinite value. Well, it doesn't go beyond that, but it's different. It's greater in degree than the respect we would expect to be shown normally in everyday human relations because the Members of a parliament, whether provincial, federal, or otherwise, are chosen by constituents, and we not only owe the Members the respect which they're entitled to as human beings, but we also owe their constituents respect for their choice. And of course, another underlying principle is that the Members are not there to assess one another's characters nor to assess one another's motives. They are there to assess one another's ideas and proposals. And so if you keep that bottom line in mind, any denigrating remarks are out of order. And I suppose that you have to have degrees because snide remarks creep in quite frequently. So it's a question of degree as to how far you will allow it to go before you'll say it's intolerable. It should always be unacceptable, but the question is what's the tolerance level. Where does it become intolerable?

RUSSELL. Do you recall any instances in which you heard a remark and let it pass?

AMERONGEN. Yes, there were some instances in which I let remarks go by and regretted it afterwards.

RUSSELL. Because the remarks got worse?

AMERONGEN. No, because I felt that I had failed in my duty.

RUSSELL. But those instances were few?

AMERONGEN. I can't recall the specific instances. I would have to go through a lot of Hansard, but I know that they occurred. In fact, on one occasion, a Member said something which was unparliamentary; it was an evening sitting, and I guess I was a little tired. Perhaps the Members were too. And this unparliamentary expression escaped from the Member's mouth, and I didn't intervene. And presently, I started to feel that I had really not done the right thing and had omitted doing the right thing. And so I

spoke to that Member privately afterwards and said, "you know, I ought to have intervened when you used such and such an expression." He was very polite about it.

RUSSELL. Did he withdraw the expression the next day?

AMERONGEN. Oh no, those things are usually old stuff the next day, yesterday's newspaper.

RUSSELL. Given that you are only human, should you expect yourself to catch every instance of unparliamentary language?

AMERONGEN. Well no, although you develop a sensitivity for it to the point where, as soon as you hear such an expression, something inside you recoils a bit. It's a sort of reflex reaction. And you just sense it. You know that that oughtn't to be said. I don't know whether it became apparent from your reviews of these things in Hansard, but after I'd been in the Chair for several years--well, even at the beginning--I was always reluctant--in fact, I refused--to be peremptory with a Member. And I don't think I ever was. I would start with some fairly soft expression like "I wonder about this or about that." And afterward, that was my favourite approach. I respectfully asked a Member whether he would reconsider what he just said because if you got up and said, "now, that was totally unparliamentary, uncalled for, and I demand that the Member withdraw," well, them's fightin' words. You know you're just going to get the guy's back up. And of course, I don't think I ever in the Chair addressed a Member as "you." I always addressed him in the third person because basically, we don't speak to the other Members. We speak to the House about the other Members. That's why we use the third person.

RUSSELL. In fact, I've noticed a number of instances in which you admonished Members for using the first peron.

AMERONGEN. Yes. Well, it was a no-no. I don't know what it is like now, but it was a no-no. You couldn't get up and say "the Minister ... you"; you'd have to say "the Minister ... he."

RUSSELL. In terms of the various responsibilities of the Speaker, where would you rank the responsibility to monitor the language of the House?

AMERONGEN. Well, I think that first of all, the Speaker shares with other chairpeople the obligation to assist a meeting to achieve its agenda. And it's a necessary corollary to that that you should try to prevent or avoid things that will interfere with the achievement of the agenda. And one of the things that can do that most readily is a rise in the temperature of the House. And so the Speaker has to be constantly the most sensitive of all thermometers, and as soon as he or she detects a rising in the temperature, something needs to be done. You can't let it go because a rising temperature has the tendency to rise further. And sometimes a light touch.... I know some of my attempts at humour at times like that were a bit stretched and fetched, but even a gauche attempt at humour at a time like that--as long as it doesn't act as a further incentive to the rising temperature--will defuse the situation or reduce the rising temperature.

RUSSELL. So monitoring the language of the House is among the Speaker's most important duties?

AMERONGEN. I think so.

RUSSELL. What percentage of your time do you consider that you devoted to intervention?

AMERONGEN. I think a Speaker has to be very reluctant to intervene, not so much when the temperature is rising--that requires a pretty prompt intervention--but when the debate wanders off point. And of course, the most difficult of all the rules to apply is the rule of relevance--even in the courts. I know that when I used to do counsel work, a judge might say, "but Mr. Amerongen, what has this to do with this case?" and you'd say, "if your Lordship will bear with me for just a few moments, I'll develop a direct connection between this line of questioning and the case." And it's the same thing in the House. You have Members who are out and out filibustering. And you have a difficult time intervening and saying that what they are saying is irrelevant. Sometimes, it becomes really blatant, but short of that.... I always followed the principle that if a thing wasn't clearly forbidden, it had to be permitted. You would have to err on the side of latitude rather than on the side of restriction.

RUSSELL. That leads to my next question. Since 1986, the number of instances of unparliamentary language have increased dramatically, at least threefold. What would you attribute that increase to?

AMERONGEN. I wouldn't like to comment on anything that has occurred during the tenure of my successor.

RUSELL. Do you think, however, that the increase might have something to do with the fact that there are so many more opposition members now?

AMERONGEN. I don't know. We had more opposition members during my first term. I think there were twenty-six. It would be a difficult comparison to make between oppositions. The present opposition did not have any experience in government. Consequently, they probably didn't develop a mindset which was anxious for the House to achieve its business with the maximum expedition. On the other hand, that twenty-six member opposition that came in in 1971 were more experienced, and they perhaps knew how to use the situations in the House to more effect than would a newer opposition.

I remember that during my first day in the Chair (I think it was), a very experienced Member who subsequently went to the House of Commons--Gordon Taylor, who'd been a minister a number of times with the Socreds--asked a question in Question Period. I think it was about a shipment of grain. This was before the Heritage Fund funded a lot of grain cars for the railways, and everybody in the House knew and he knew and I knew that the transportation of grain was a federal responsibility. And consequently, I felt that his question was irrelevant in Question Period, out of order, because you shouldn't question the government concerning federal responsibilities unless you use the ploy of asking them what they were

saying to the feds about it. But it wasn't quite like that. So I said that the question was out of order. And the Member started to argue with me. Fortunately, I had read enough of Beauchesne and other authorities to know that once a Speaker made a ruling, he was committed, and only the House could change it. So I said, "I'm sorry. I've expressed myself on this point and I'm unable to change it." So he couldn't argue with me anymore; if he had, he would have bested me for sure.

RUSSELL. To what extent did you rely on your Table Officers to help you monitor the language of the House? Did they ever point out to you any instances of unparliamentary language?

AMERONGEN. No, they pointed out other things, procedural things. Oh yes. But I don't think I ever had a Table Officer who said, "say, you'd better...." Those interventions have to be immediate. And I should think that a Table Officer would say, "look, by the time I send him a note about a problem, it's going to be too late."

RUSSELL. I was wondering if you ever found yourself laughing at the language before you intervened. There's one instance in particular that I'm thinking of that....

AMERONGEN. Oh, that was.... Maybe you're thinking of the same one. That was the drollest incident of my whole time in the Chair. I think it was in my first term. Yes, it was. And there was a charming Member for Pincher Creek-Crowsnest: Charlie Drain. (Incidentally, I didn't know the Members' names for a long time after I got the Chair. It came gradually. But I always had a map of the House in front of me showing just the constituencies. There were never Members' names on the map, just constituencies.) Anyway, this was an afternoon; I think it was private Members' motions. And Charlie was going on at considerable length--he was a well-read fellow and had an intellect for thoughts and ideas--about something or other that was quite off the point. And if I remember correctly (and I think I do remember because I've told this story a number of times), I became more and more uneasy in the Chair because I knew this was irrelevant and getting worse. Finally, I couldn't stand it any longer, and I got up and said something like "with great respect, the Chair hesitates to interrupt the honourable Member, but the Chair is having increasing difficulty in relating the honourable Member's remarks to the topic under discussion." And he shook his finger at me and said, "Mr. Speaker, I'm having that same problem myself!" The best answer, the best retort, that a Member ever ever gave me, and I haven't read of another Speaker getting a better one!

RUSSELL. And he got back on topic after that?

AMERONGEN. Well, I don't remember what happened, but it fractured the House; it erupted in laughter.

RUSSELL. What do you recall as the most difficult ruling you ever had to make?

AMERONGEN. There were two or three instances in which I had great difficulty in getting Members to withdraw. One thing that was done in the Alberta House that should apply in every parliament but is extremely difficult to introduce is allowing the Speaker to suspend a Member for the rest of the day. The normal procedure, the invariable procedure, prior to that change in our rules was that if a Member behaved in an unparliamentary way--mostly by speech, I guess--and wouldn't withdraw, the Speaker had to name the Member. I never did that, but I was ready to do it. I would have said, "the honorable Member for Tunerville East, I name you Mr. Jones." And then it would have been up to the Government House Leader, according to the established procedure, to move a motion of some kind, for example, censure or expulsion of the Member. And then, of course, the House would probably vote on straight party lines: the government members would vote in favour of the motion, and the opposition members (most of them at least) would vote against it. And so you'd have a procedural decision, a point of order, in the House decided on outright political lines. That's no good; that's unparliamentary. So in 1973, when they rewrote the rules of the House, they gave the Speaker discretion to suspend for the rest of the day. But if he thought that it was too serious and that such a suspension wasn't adequate, then it could be referred to the House. Another thing they did was to remove summary appeals from the Speaker's ruling. That also was very unparliamentary; they copied it from Ottawa, and then they took it out here, and I think they took it out in Ottawa. Someone was able to get up if the Speaker gave a ruling and say, "Mr. Speaker, I appeal your ruling." Again, the decision would be made in the House along party lines, and the government would feel obliged to come to the rescue and support of the Speaker...probably. And that's not parliamentary. That's not the kind of neutral playing field that there should be--not in all respects, of course...it's a very partisan House. But basically, it should be a neutral playing field. And so they took that out. You can still appeal the Speaker's ruling, and it was done on one occasion, but it had to be done by motion on notice, and, by this time, the temperature's down, and the thing's much easier to deal with.

RUSSELL. Do you remember any Members who tended to use unparliamentary expressions more than others?

AMERONGEN. No. There were two occasions when I had real difficulty in getting Members to withdraw. In my first years in the Chair, I had the notion that if I were to ask a Member to withdraw and he utterly refused, I would name him or expel him right away without much to-do about it until on one occasion, I was reading in the Ottawa Hansard about a Member from Newfoundland. I think it is the most common example of unparliamentary speech, where a Member calls a Minister a "liar" in Question Period. I think that's the most common. In this case, a Member from Newfoundland called one of the Ministers a "liar." The Speaker intervened, and the Member refused to withdraw. He said, "he did tell a lie; he is a liar!" It was like playing [inaudible]. The Speaker would speak to the Member and get him softened up a little bit, have him reeled in close to the point where he could sort of land him on a withdrawal, and the Member then would take off again. This went on for some time. Finally, the Member gave a grudging withdrawal, and the Speaker--Speaker Lamoreux, who, in my observation and reading, was the best Speaker since Confederation--allowed that maybe this

grudging withdrawal would be adequate under the circumstances, and he accepted it. When I read that, I said to myself, "that's the way to do it, and I will do my absolute utmost to avoid having to suspend a Member. And I fortunately lost an election before my record was broken or spoiled. I never got to it. But there were two or three occasions. You appeal to the Members, you keep speaking to them, and I think that subtly the pressure on the Member mounts because he has to be aware that the whole business of the House has been brought to a standstill. No other business is being done, the time is going on, and this darn withdrawal is still hanging before the House. And so eventally, I think the pressure gets to a Member. I know that one Member--a very experienced Member--would refuse to withdraw and said so. He said, "how can I withdraw? If I withdraw, it's a falsehood because he did tell a lie. It was a lie, and if I withdraw, I'm not being truthful." This gave me an opening right there. I said, "you know, that's not the way it is in parliament" (or words to that effect) "because even if a Member is a liar, you're not allowed to call him that." And then, somehow or other, he withdrew shortly after that.

Since unparliamentary remarks are ordinarily made in the heat of the moment, a Member who has the character and courage to withdraw--even if it's a thing that is only doubtfully unparliamentary--deserves far more credit than the person who happens to be in the Chair and requests a withdrawal.

RUSSELL. So the Speaker is just a servant in the House?

AMERONGEN. The Speaker is just a servant in the House. That's all. There's a saying about the Pope--that he is the servant of the servants of the people. So I paraphrased that and said that the Speaker is the servant of the representatives of the people.

(At this juncture, Russell pointed out an occasion on which Amerongen had overlooked the expression "political heeler," which had previously been ruled unparliamentary in the Assembly; the expression alluded to a private citizen.)

AMERONGEN. Perhaps at that time [during Amerongen's first term as Speaker], I wasn't sensitive to remarks being made about people outside the House. There's a bit of a difference. Later on, I think I consciously developed a sensitivity in that regard and intervened once or twice where people spoke denigratingly about someone outside the House. I think I said something to the effect that this is scarcely appropriate or fair because the person isn't here to defend himself.

(Russell then described the debate that ensued as a result of Albert Ludwig's unparliamentary reference to the Emergency Measures Organization. Amerongen recalled the occasion.)

AMERONGEN. Once the new rules went into effect, there was never an appeal from a ruling of the Chairman in Committee to the Speaker. It was peremptory appeal to the House.

RUSSELL. Although "lie" has always been deemed unparliamentary, "falsehood" has been deemed both unparliamentary and not unparliamentary. Do you see any difference between a lie and a falsehood?

AMERONGEN. Yes, a lie is a deliberate falsehood, an intended falsehood. You can repeat something that's not true, but if you say something you know not to be true, you're lying. Otherwise, you're only repeating a falsehood.

RUSSELL. Is there anything else you would like to add about unparliamentary language?

AMERONGEN. Just that the one underlying principle of any successful parliament is respect. And to me (although I haven't lived up to it as much as I should), the basis for respect of human beings is that they are creatures with a free will and an eternal destiny, which we often don't sufficiently advert to. I can't think of anything that would be a stronger criterion for the need for respect, a stronger reason for respect, than just that.

RUSSELL. Thank you very much.

AMERONGEN. It's been a pleasure.

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